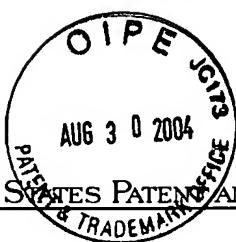




## UNITED STATES PATENT AND TRADEMARK OFFICE



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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/792,289	03/02/2004	Christian Miculka	612,406-041

## CONFIRMATION NO. 3164

34263  
O'MELVENY & MEYERS  
114 PACIFICA, SUITE 100  
IRVINE, CA 92618

## FORMALITIES LETTER



\*OC000000012773766\*

Date Mailed: 05/25/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

## FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted***Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is **\$900** for a Large Entity

- **\$770** Statutory basic filing fee.
- **\$130** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

08/31/2004	AA000F01	000000053	502862	10792289
01	FC:1001	770.00	DA	
02	FC:1051	130.00	DA	

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*B7f*  
*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



Patent 514C1  
Attorney Docket 612,406-041

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

**MICULKA et al.**

Serial No.: 10/792,289

Filed: March 2, 2004

For: LINKER NUCLEOSIDE, ITS  
PREPARATION AND USE

Group Art Unit: 1623

Examiner: Not yet assigned

**TRANSMITTAL LETTER**

Mail Stop Missing Parts  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

**I. DOCUMENTS ENCLOSED:**

In response to the NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION UNDER 37 CFR §1.53(b), which was mailed by the Patent Office on May 25, 2004, enclosed are:

- Declaration (4 pages)
- Power of Attorney (5 pages)
- Assignment of the invention to \_\_\_\_\_ (together with PTO Form 1595)
- A Verified Statement to establish "Small Entity Status" under 37 CFR §§ 1.9 and 1.27.
- A copy of the Notice to File Missing Parts of Application under 37 CFR § 1.53(f).
- An Information Disclosure Statement, form PTO-1449 without copies of references cited therein.

**CERTIFICATE OF MAILING (37 C.F.R. § 1.8a)**

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to the Commissioner for Patents, PO Box 1450 Alexandria, VA 22313-1450.

August 25, 2004

Date of Deposit

*Cynthia B. Pacheco*  
Cynthia B. Pacheco

08/31/2004 AAD0F01 00000053 502862 10792289

03 FC:1251

110.00 DA



Patent 514C1  
Attorney Docket 612,406-041

## II. REQUEST FOR EXTENSION OF TIME:

The proceedings herein are for a patent application and the provisions of 37 CFR § 1.136 apply.

Applicant(s) petitions for an extension of time under 37 CFR § 1.136 [fees: 37 CFR 1.17(a)(1)-(5)] for the total number of months checked below:

EXTENSION (months)	FEE FOR SMALL ENTITY	FEE FOR OTHER THAN SMALL ENTITY
<input checked="" type="checkbox"/> one month	\$55.00	\$110.00
<input type="checkbox"/> two months	\$210.00	\$420.00
<input type="checkbox"/> three months	\$475.00	\$950.00
<input type="checkbox"/> four months	\$740.00	\$1,480.00
<input type="checkbox"/> five months	\$1,005.00	\$2,010.00

Fee \$110.00

No extension fee is required.

## III. FILING FEES

Applicant claims small entity status under 37 C.F.R. §1.27.

BASIC FILING FEE:						\$770.00
Total Claims	1	-	20	=	0	x \$18.00 \$0.00
Independent Claims	1	-	3	=	0	x \$86.00 \$0.00
Multiple Dependent Claims	\$290	(if applicable)				□ \$0.00
Surcharge 37 CFR § 1.16(e)	\$130	(if applicable)				☒ \$130.00
TOTAL OF ABOVE CALCULATIONS						\$900.00
Reduction by ½ for Filing by Small Entity. Note 37 CFR §§ 1.9, 1.27, 1.28. If applicable, Verified Statement must be attached.						□ \$0.00
Extension of Time (from above)						\$110.00
Assignment -- \$40 (if applicable)						□ \$0.00
TOTAL FEES SUBMITTED HEREWITH						\$1,010.00

## IV. METHOD OF PAYMENT OF FEES:

A check in the amount of \_\_\_\_\_ is enclosed to cover the above fee(s).

Charge Deposit Account No. 50-2862 in the amount of \$1,010.00. A duplicate copy of this document has been enclosed for processing purposes.

The Commissioner is authorized to charge O'Melveny & Myers' Deposit Account No. 50-2862 for any fees required under 37 CFR §§1.16, 1.17 and 1.445 that are not covered, in whole or in part, by a check enclosed herewith and to credit any overpayments to said Deposit Account No. 50-2862.

Respectfully submitted,

O'MELVENY & MYERS LLP

Dated: August 25, 2004

By: Diane K. Wong  
Diane K. Wong  
Reg. No. 54,550  
Attorneys for Applicants

DKW/cp

IRI:1057245.1

O'Melveny & Myers LLP  
114 Pacifica, Suite 100  
Irvine, CA 92618-3315  
(949) 737-2900



CERTIFICATE OF MAILING  
(37 C.F.R. §1.10)

I hereby certify that the attached POWER OF ATTORNEY BY ASSIGNEE OF ENTIRE INTEREST AND REVOCATION OF PRIOR POWERS (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as 'Express Mail Post Office To Addressee' in an envelope addressed to the Commissioner for Patents, Box RCE, Washington, D.C. 20231.

EV208960769US

Express Mail Label No.

Cynthia B. Pacheco

Name of Person Mailing Paper

February 12, 2003

Date of Deposit

*Cynthia B. Pacheco*

Signature of Person Mailing Paper